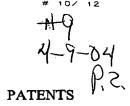


APR - 7 2004

OFFICIAL



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kaushal Kurapati

Examiner:

Nathan A. Sloan

Serial No:

09/666,630

Art Unit:

2614

Filed:

September 20, 2000

Docket:

US000240 (17008)

For:

TELEVISION PROGRAM RECOMMENDER WITH AUTOMATIC IDENTIFICATION OF CHANGING VIEWER PREFERENCES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

Sir:

- I, Gregory L. Thorne, hereby declare that:
- 1. I am an Attorney registered to practice before the US Patent and Trademark
 Office and an employee of the Assignee of U.S. Patent Application Serial No. 09/666,630
 filed September 20, 2003 ("the Application").
- 2. U.S. Patent Application No. 2003/0093792 A1 entitled "Method and Apparatus For Delivering Television Programs And Targeted De-Coupled Advertising" to Labeeb et al., (hereinafter "Labeeb") has been identified by the Examiner in Office Actions dated August 14, 2003 and January 28, 2004 as a basis for rejecting pending Claims 1-32 in the Application. Labeeb was filed on June 27, 2001 and is based on U.S. Provisional Applications 60/215,450 filed on June 30, 2000 and 60/226,437 filed on August 18, 2000.

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- 3. The invention disclosed and claimed in the Application was completed in the United States, by the inventor prior to the earliest filing of the Labeeb reference, i.e., June 30, 2000.
- 4. As evidence of the completion of the above invention prior to the critical date of Labeeb, annexed hereto is Exhibit A. Exhibit A consists of a copy of a "Disclosure of Invention" document, dated prior to June 30, 2000, which was prepared based upon the invention in the Application. Dates have been redacted in preparation of this Exhibit.
- 5. The present application was filed (constructively reduced to practice) within a period beginning prior to the filing date of the Labeeb reference and ending with the filing of the present application.
- 6. During the significant time period (e.g. prior to the June 30, 2000 priority date of Labeeb);
 - a) On June 21, 2000, the disclosure file was received by outside counsel firm Ryan, Mason & Lewis, LLP (their normal procedure is to immediately contact the lead inventor to confirm that there is no upcoming bar activity and establish schedule for preparation of the patent application).
 - b) On July 10, 2000, Kevin M. Mason had an in-person interview with inventor Kaushal Kurapati in Briarcliff to discuss the invention.
 - c) On July 26, 2000, Kaushal Kurapati provided analysis of search results (e.g. known prior art) to Kevin M. Mason.
 - d) During the week of August 14, 2000, Kevin M. Mason started drafting the specification of the patent application and had telephone interviews with Kaushal Kurapati.
 - e) On August 21, 2000, Kevin M. Mason sent a first draft to Kaushal Kurapati by e-mail.
 - f) On August 30, 2000, Kevin M. Mason received comments from the inventor on the first draft.

- g) On August 31, 2000, Kevin M. Mason sent a revised draft to the inventor.
- h) On September 5, 2000, Kevin M. Mason received approval of the revised draft from the inventor to file the patent application including the revised draft.
- i) On September 6, 2000, Kevin M. Mason sent the revised draft as the final version of the patent application to me for filing.
- j) On September 20, 2000, I filed the patent application with the USPTO including the revised draft.
- 7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 3/19/04

Gregory L. Thorné